

IN THE UNITED STATES DISTRICT COURT
 FOR THE WESTERN DISTRICT OF VIRGINIA
 ROANOKE DIVISION

DON BILLUPS,)	
)	
Petitioner,)	
)	Civil Action No. 7:15-cv-597
v.)	
)	By: Elizabeth K. Dillon
HAROLD CLARKE,)	United States District Judge
)	
Respondent.)	

ORDER

In accordance with the memorandum opinion entered this day, it is hereby ORDERED that Billups’s two motions asking the court to consider additional materials (Dkt. Nos. 22, 24) are GRANTED, and the court has considered those materials. It is further ORDERED that respondent’s motion to dismiss (Dkt. No. 9) is GRANTED; Billups’s petition pursuant to 28 U.S.C. § 2254 is DISMISSED WITH PREJUDICE; and this case is STRUCK from the court’s active docket.

Further, finding that Billups has failed to make a substantial showing of the denial of a constitutional right as required by 18 U.S.C. § 2253(c), the court DENIES a certificate of appealability.

The clerk is directed to send copies of this order and the memorandum opinion to the petitioner and all counsel of record.

Entered: September 30, 2016.

/s/ Elizabeth K. Dillon
 Elizabeth K. Dillon
 United States District Judge